

designs to erect such tipple or other works, and running either on the surface, underground, or by elevated road, or partly on the surface and partly by the other methods, or one of them, to the vein of coal or other minerals at the point at which said corporation may desire to open or work the same; and to use and control said "railroad or railroads, and the necessary vehicles and appurtenances thereto belonging"; provided however that the right of condemnation granted by this section shall in no case be allowed to interfere with the workings of any other mine or mines.

Secs. 181 to 192 referred to in deciding it to be indispensable that the use for which private property is taken should be of a public nature. Railroads constructed by mining companies are open to the public as occasion requires. *Arnsperger v. Crawford*, 101 Md. 255.

See secs. 329 to 334, and notes.

An. Code, 1924, sec. 181. 1912, sec. 247. 1904, sec. 229. 1888, sec. 146. 1868, ch. 471, sec. 140.

182. It shall not be lawful for any such corporation formed under this article to occupy any portion of the lands that may be necessary for the accommodation of the works of the Chesapeake and Ohio canal company, or the main route of the Baltimore and Ohio railroad, or the works of any other railroad company chartered by this State, except to cross said roads without injury to the same.

See notes to sec. 181.

An. Code, 1924, sec. 182. 1912, sec. 248. 1904, sec. 230. 1888, sec. 147. 1868, ch. 471, sec. 141.

183. The legislature may at any time regulate, modify or change the control, use and estate of any railroad constructed by such corporation, in such manner as it may deem equitable towards the said corporation, and necessary to the accommodation of the public travel or use of the said railroad or railroads.

See notes to sec. 181.

An. Code, 1924, sec. 183. 1912, sec. 249. 1904, sec. 231. 1888, sec. 148. 1868, ch. 471, sec. 142.

184. No railroad constructed by such corporation shall pass through the limits of any incorporated city or town without the consent of the corporate authorities thereof; nor through any dwelling-house, warehouse, stable, yard, garden or orchard, without the written consent of the owners of the same.

See notes to sec. 181.

An. Code, 1924, sec. 184. 1912, sec. 250. 1904, sec. 232. 1888, sec. 149. 1868, ch. 471, sec. 143.

185. The president and directors of any such corporation, or a majority of them, or any person authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, stone or other materials which may be wanted for the construction or repair of said railroad or railroads, for the purchase or for the use and occupation of the same, or may obtain such land, earth or stone by condemnation.

See secs. 153, 206, 319, 328 and 329, *et seq.* See also art. 33A.

See notes to sec. 181.

An. Code, 1924, sec. 185. 1912, sec. 251. 1904, sec. 233. 1888, sec. 150. 1868, ch. 471, sec. 144.

186. The citizens of this State or any corporation now or hereafter to be incorporated under the authority of this article shall have the right to connect with the railroad or railroads hereby provided for, any other railroad, if, in the judgment of any three of the county commissioners of